

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 22 SEP 2005

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Applicant's or agent's file reference FR920020007/GZ		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/EP2004/050348		International filing date (day/month/year) 23.03.2004	Priority date (day/month/year) 13.06.2003	
International Patent Classification (IPC) or national classification and IPC G06F9/46				
Applicant INTERNATIONAL BUSINESS MACHINES CORPORATION et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 8 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 4 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 28.02.2005		Date of completion of this report 21.09.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer  Del Castillo, G  Telephone No. +49 89 2399-5996		



# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

### Description, Pages

1-10

as originally filed

### Claims, Numbers

1-12

filed with the demand

### Drawings, Sheets

1/10; 10/10

as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
    - ☐ the description, pages
    - ☐ the claims, Nos.
    - ☐ the drawings, sheets/figs
    - ☐ the sequence listing (*specify*):
    - ☐ any table(s) related to sequence listing (*specify*):
  4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
    - ☐ the description, pages
    - ☒ the claims, Nos. 1-12
    - ☐ the drawings, sheets/figs
    - ☐ the sequence listing (*specify*):
    - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

Re Item V

**1 Documents**

Reference is made to the following documents:

D1: US-A-5 964 834 (CRUTCHER PAUL M) 12 October 1999 (1999-10-12)

D2: SNYDER M K, LOWNEY G C: "Microsoft Windows Keyboard Guide" INTERNET DISCLOSURE, [Online] 19 August 2000 (2000-08-19), XP002304371 Retrieved from the Internet:  
URL: <http://web.archive.org/web/20000819042358/http://www.microsoft.com/enable/download/products/windows/win95key/kbdguide.doc> > [retrieved on 2004-11-05]

D3: REKIMOTO J: "Pick-and-drop: a direct manipulation technique for multiple computer environments" PROCEEDINGS OF THE ACM SYMPOSIUM ON USER INTERFACE SOFTWARE AND TECHNOLOGY. 10TH ANNUAL SYMPOSIUM. UIST '97 ACM NEW YORK, NY, USA, 1997, pages 31-39, XP002304175 ISBN: 0-89791-881-9

**2 Amendments**

The **amendments** filed with the demand for international preliminary examination introduce **subject-matter** which extends **beyond the content of the application as filed**, contrary to Article 34(2)(b) PCT.

The **amendments concerned** consist in the **addition of the feature** "the predefined shared file being accessible by a predefined selected set of said plurality of data processing entities" in claim 1 (at page 11, lines 9-11), claim 9 (at page 13, lines 25-27), claim 11 (at page 14, lines 9-11) and claim 12 (at page 14, lines 20-22).

According to the applicant's letter of reply, the added feature can be found in the application as originally filed at page 14, lines 26-28. However, the application as

originally filed does not include any page 14. **No passage** mentioning said feature **could be found** in the application as filed.

Since **no basis** for the amendments mentioned above **could be found**, and the other amendments, consisting in replacing the expression "among at least two data processing entities" with "among a plurality of data processing entities" do not change the meaning of the claims at all, the **examination** will be carried out **on the basis of the application as originally filed**, disregarding the amendments filed with the demand.

### 3 Inventiveness of claim 1

3.1 Document D1 is regarded as being the **closest prior art** to the subject-matter of claim 1. This document shows the following features thereof (the references in parentheses apply to this document; the features which are not contained in D1 are strucked out):

*A method of sharing information among at least two data processing entities* (column 2, lines 9-11: "... a few basic techniques for sharing information between applications running on peer workstations ..."), *the method including the steps of:*

*selecting a block of information on a first one of the data processing entities* (column 2, lines 2-4: "The data involved is selected by the user of an application program on a workstation ..."),

*storing the block of information in a predefined shared file in response to at least one shortcut command* (column 2, lines 15-17: "... a user can copy the data from the local clipboard and save it into a file on a shared volume that can be accessed by the peer workstation"), *and*

*retrieving the block of information from the shared file on a second one of the data processing entities in response to at least one further shortcut command* (column 2, lines 19-20: "... additional steps to retrieve the data from the ... file store and update the clipboard on the receiving workstation").

3.2 The **difference** between D1 and the subject-matter of claim 1 consists merely in specifying that the shared file is

- (a) predefined and
- (b) accessed in response to shortcut commands.

3.3 The objective technical **problem** to be solved may be regarded as making the method of D1 less time-consuming for the user, i.e., reducing the amount of user input required.

3.4 The **solution** proposed is obvious to a person skilled in the art, since:

- (a) using a predefined shared file is the simplest of two obvious alternatives for implementing the method of D1 (the other being to create a new temporary shared file every time the method is applied) and, for this reason, the alternative which a skilled person would prefer to apply whenever possible;
- (b) using shortcut commands is a standard technique to reduce the amount of user input required to access files, which belongs to common general knowledge and would naturally and readily occur to the skilled person (even the very widespread "Microsoft Windows" operating system provides such a shortcut feature, cf. D2, page 12, section 10: "Shortcut Keys for Applications or Documents - Shortcut keys provide easy access to the documents and programs you use most often. You can put shortcuts to any program or document on your desktop or on your Start menu and give them shortcut keys. Typing a shortcut key at any time will switch to the application or document, or start it if it is not already running").

3.5 Therefore, the subject-matter of claim 1 does **not** involve an **inventive step** in the sense of Article 33(3) PCT.

3.6 For the sake of completeness it is noticed that **document D3** also contains prior art on whose basis the subject-matter of claim 1 is obvious to the skilled person (cf. D3, page 36, right column, lines 42-48: "Shared Files vs. Pick-and-Drop - Many operating systems support 'remote file systems'. Under such an environment, the user can transfer data from one computer to another by first moving it to a shared file system,

and then to the designated computer. As the survey ... has shown, many people use this technique" and page 37, left column, lines 14-18: "... a unit of data transfer is not always a file ... it is possible to transfer such a data element through a temporary file ...").

#### **4 Inventiveness of independent claims 8-12**

Since computer program claims 8 and 9, program product claim 10, system claim 11 and data processing entity claim 12 contain only features which correspond to features of method claim 1 or of its dependent claims 2-7, the objections concerning lack of inventive step of claims 1-7 apply accordingly to claims 8-12 (see section 4 below for the objections concerning dependent claims 2-7).

#### **5 Inventiveness of dependent claims 2-7**

The dependent claims do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step, the reasons being as follows:

- The additional method steps of **claims 2-5** define implementation details of the method of claim 1. These method steps are obvious to a person skilled in the art on the basis of common general knowledge (for instance, in claim 2, using the clipboard of the first computer for intermediately storing the block of information selected is a standard technique; similarly, opening and saving the file are trivial substeps of the step of storing information in the file).
- The additional feature of **claim 6** ("selecting ... an extension of the shared file") is a method step obviously necessary whenever the method of claim 1 is required to support different types of shared files, since it is common practice to identify the type of a file by the file's extension.
- The additional features of **claim 7** address the problem of generalizing the method of claim 1 to a multiplicity of users. A skilled person confronted with this problem would naturally and readily derive the additional features by applying techniques

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which are standard in multi-user environments (in particular: assigning an instance of a certain resource, in this case a shared file, to each user in order to avoid conflicts between users; configuring the system in a manner appropriate for a user in response to the user's log-in, where the configuring step in this case obviously includes the definition of the necessary shortcuts for the shared file assigned to the user).

**6 Conclusions**

6.1 Since no basis for the amendments filed with the demand could be found in the application as originally filed, the **examination has been carried out on the basis of the application as filed.**

6.2 The application as filed does not satisfy the requirements of Article 33 PCT, because the subject-matter of the **claims does not involve an inventive step** (Article 33(3) PCT).

6.3 Finally, it is observed that, **even if there had been a basis for the amendment in the application as filed, the claims as amended would still have not been inventive;** since the added feature (the shared file being accessible by a predefined selected set of data processing entities) is a well-known feature, which (a) belongs to common general knowledge in the field of computer network security, (b) represents one of the obvious measures which a skilled person would adopt whenever the access to the shared file has to be restricted, e.g. for privacy reasons, and (c) does not interact in any non-obvious way with the other claim features.

**Re Item VIII**

Following the applicant's request for a telephone conversation to discuss outstanding matters (see letter of 17.2.2005), the examiner made several attempts to reach the applicant by telephone, but all attempts were unsuccessful due to the applicant's absence. Therefore, the applicant's request for a telephone conversation could not be fulfilled.



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